IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 616 of 2005

Between:

Annavarjula Nanchara Vara Prasad, S/o Rama Jogaiah, Hindu,
R/o Guduru, Krishna District.

..... PETITIONER

AND

1 The Superintendent of Police, Krishna District at

Machilipatnam.
2 The Station House Officer, Gudur Police Station, Guduru,
Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of mandamus, declaring the inaction of the respondents in not arresting the accused and not filing the charge sheet in Cr.No. 96/2003 on the file of the 2nd respondent even after the lapse of one year of recording the statements of the petitioner and other witnesses as illegal, arbitrary, vitiated by official malafides and violative of Articles 14 and 21 of the constitution of India and consequently direct the respondent No.1 to entrust the investigation of the case in Cr.No. 96/2003 on the file the 2nd respondent to any other investigating officer and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.RADHAKRISHNA

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

O R D E R:

The petitioner submitted a complaint under Section 200 of Cr.P.C., before the Court of Judicial Magistrate of First Class, Machilipatnam, (Special Mobile Magistrate), under Sections 454 and 379 read with Section 34 IPC. It was taken on file as C.C.No.96 of 2003. The learned Magistrate referred the matter for investigation to the second respondent, under sub-section (3) of Section 156 Cr.P.C. The grievance of the petitioner is that the second respondent has not taken any steps in the matter, much less, arrested the accused therein. He seeks appropriate directions in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Home.

Admittedly, the petitioner invoked the jurisdiction of the learned Magistrate under Section 200 Cr.P.C. On the basis of such a complaint, three courses are open to the concerned Magistrate, namely, to take cognizance of the offence straight away, on being satisfied about the probability of commission of the offence, require the police to investigate the matter, or to cause further enquiry into the matter. In the present case, the learned Magistrate has chosen to refer the matter for investigation to the second respondent. If the petitioner is of the view that the investigation is not proceeding in accordance with law, it shall always be open to him to approach the same Court and apprise it of his grievance. The Criminal Procedure Code provides for various steps in this regard.

Therefore, the writ petition is disposed of, leaving it open to the petitioner to approach the Court of Judicial Magistrate of First Class, Machilipatnam, (Special Mobile Magistrate), for further steps in the matter. There shall be no order as to costs.

25th January, 2005

Note: Issue copy in two days.

(B/o)

pan

To

1 The Superintendent of Police, Krishna District at

Machilipatnam.

2 The Station House Officer, Gudur Police Station, Guduru,
Krishna District.

3 Two C.Cs. to the Government Pleader for Home,

High Court buildings, Hyderabad (OUT)

4 Two C.D.copies